

V. PERTINENT STATUTES AND REGULATIONS

portation or transmission company, or by any individual: Provided, That nothing herein shall prevent the Legislature from extending these provisions so as to exclude such free transportations or franks from other persons.

St. 1931, § 13596.
Construction.—Guthrie Gas Light, Fuel & Imp. Co. v. Board of Education, 64 Okl. 137, 166 P. 123, L.R.A. 1918D, 300; Oklahoma City v. Oklahoma Ry. Co., 20 Okl. 1, 93 P. 48, 16 L.R.A.N.S., 651.
—Carriers —13(1).

§ 14. County seats—Railroads to pass through.—No railroad hereafter constructed in this State shall pass within a distance of four miles of any county seat without passing through the same and establishing and maintaining a depot therein, unless prevented by natural obstacles such as streams, hills, or mountains: Provided, Such town, or its citizens, shall grant the right-of-way through its limits and sufficient ground for ordinary depot purposes.

St. 1931, § 13597.

Railroads —44.

CORPORATION COMMISSION

§ 15. Creation—Terms of office—Vacancies.—A Corporation Commission is hereby created, to be composed of three persons, who shall be elected by the people at a general election for State officers, and their terms of office shall be six years: Provided, Corporation Commissioners first elected under this Constitution shall hold office as follows: One shall serve until the second Monday in January, nineteen hundred and nine; one until the second Monday in January, nineteen hundred and eleven; and one until the second Monday in January nineteen hundred and thirteen; their terms to be decided by lot immediately after they shall have qualified. In case of a vacancy in said office, the Governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term.

St. 1931, § 13598.

Adopted from Constitution of Virginia. St. Louis-San Francisco Ry. Co. v. State, 81 Okl. 238, 198 P. 73.

Jurisdiction.—Corporation commission, created by state Constitution, has no jurisdiction over a controversy between two private companies. Gibson v. Elmore City Tel. Co., Okl., 411 P.2d 551.

Public Service Commissions —3.

§ 16. Qualifications of commissioners.—The qualifications of such commissioners shall be as follows: To be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in

this State, or out of it, or any stock, bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such commissioner hold any other office under the government of the United States, or of this State, or any other state government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

St. 1931, § 13599.

Construction.—Word "inconsistent" intended to prevent commissioners from engaging in any occupation or business which might prevent them from being perfectly impartial and fair. Bould v. Phelps, 200 Okl. 70, 191 P.2d 938. Where Corporation Commissioner becomes voluntarily interested in stock of pipeline company operated for hire, his office becomes vacant. State ex rel. Blankenship v. Freeman, Okl., 447 P.2d 782.

Effective interference.—State ex rel. Blankenship v. Freeman, Okl., 447 P.2d 782.

Public Service Commissions —3.

§ 17. Oath of office—Additional oath.—Before entering upon the duties of his office, each of said commissioners shall take and subscribe to the oath of office as prescribed in this Constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract or earnings of any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this Constitution, and all the laws of this State concerning railroads, street railways, traction lines, canals, steam boats, pipe lines, car lines, sleeping car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other corporations over which said Commission has jurisdiction, which oath shall be filed with the Secretary of State.

St. 1931, § 13600.

Public Service Commissions —3.

§ 18. Powers and duties—Notice before taking action—Process for witnesses—Authority of legislature—Municipal powers.—The Commission shall have the power and authority and be charged with the duty of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges

therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the Commission shall, from time to time, prescribe and enforce against such companies, in the manner herein-after authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities, and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations, and requirements, the Commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right, at all times, to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements, under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discrimination and extortion by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation, transmission, or otherwise, in connection with the public duties of such company. Before the Commission shall prescribe or fix any rate, charge or classification of traffic, and before it shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation, or requirement, shall first be given, by the Commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before said Commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published in substance, not less than once a week, for four consecutive weeks, in one or more of the newspapers of general circulation published in the county in which the Capitol of this State may be located, together with the notice of the time and place, when and where the Commission will hear any

objections which may be urged by any person interested, against the proposed order, rule, regulation, or requirement; and every such general order, rule, regulation, or requirement, made by the Commission, shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, so long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges, and classifications of traffic, for transportation and transmission companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the Legislature to legislate thereon by general laws: Provided, However, That nothing in this section shall impair the rights which have heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations, or rates of charges to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town, or county, so far as such services may be wholly within the limits of the city, town, or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the Commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons or employees.

Rural Telephone Cooperative Act

Laws 1953, p. 484, 18 O.S. §§ 438.1 to 438.34, constituting the Rural Telephone Co-operative Act, provides in section 32, 18 O.S. § 438.32, that: "It is hereby expressly declared by the Legislature that this entire Act and this section is an amendment to, and alteration of, Section 18 through Section 34 inclusive, of Article IX of the Constitution of the State of Oklahoma, as authorized by Section 35, Article IX of said Constitution."

St.1931, § 1360L

Construction.—Procedure held not to deny due process or deny equal protection. *Oklahoma Cotton Ginnery Ass'n v. State*, 174 Okl. 243, 51 P.2d 327.

Powers of commission. *Missouri-Kansas-Texas R. Co. v. State*, 132 Okl. 134, 76 P.2d 884; *State of Oklahoma ex rel. Williams v. Oklahoma Natural Gas Corporation*, U.S. C.C.A. Okl., 39 F.2d 416; *Community Natural Gas Co. v. Corporation Commission of Oklahoma*, 182 Okl. 137, 76 P.2d 393; *Pannell v. Farmers Union Co-op. Gin Ass'n of Sterling*, 192 Okl. 552, 133 P.2d 817; *Incorporated Town of Pittsburg v. Cochrane*, 195 Okl. 593, 159 P.2d 534.

Mandatory. *Oklahoma-Arkansas Tel. Co. v. Southwestern Bell Tel. Co.*, 143 Okl. 76, 291 P. 3.

Rules of Corporation Commission regulating construction and maintenance of electric lines and equipment and providing certain standards prescribe minimum requirements only. *Public Service Co. of Oklahoma v. Hawkins*, 194 Okl. 272, 149 P.2d 783.

Public convenience and necessity. *Yellow Transit Co. v. State*, 198 Okl. 223, 178 P.2d 83.

ment of all of the provisions of this Act. Laws 1935, p. 236, § 4.

¹ Sections 35-37 and 136-138 of this title.

² Sections 34-135 of this title.

Mines and Minerals §92.

§ 137. Powers of cities and towns not limited or restricted.—Nothing in this Act¹ is intended to limit or restrict the rights of cities and towns governmental corporate powers to prevent oil or gas drilling therein nor under its police powers to provide its own rules and regulations with reference to well-spacing units or drilling or production which they may have at this time under the general laws of the State of Oklahoma. Laws 1935, p. 236, § 5.

¹ Sections 35-37 and 136-138 of this title.

40 A.L.R. 788; *Mines and Minerals* §92.

§ 138. Partial invalidity, effect of.—If any Section, paragraph, sentence or phrase of this Act¹ shall be declared unconstitutional or void for any reason, by any court of final jurisdiction, such Decision shall not in any way invalidate or affect any other Section, paragraph, sentence or phrase of this Act, but the same shall continue in full force and effect. Laws 1935, p. 236, § 6.

¹ Sections 35-37 and 136-138 of this title.

Statutes §4(2).

§ 139. Pollution of waters—Deleterious substances from gas and oil production—Regulations.—The Corporation Commission of Oklahoma, referred to in this Act as the "Commission", is hereby vested with jurisdiction, power and authority, and it shall be its duty, to make and enforce such rules, regulations and orders governing and regulating the handling, storage and disposition of salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing, refining and processing of oil and gas within the State of Oklahoma or operation of oil or gas wells in this State as are reasonable and necessary for the purpose of preventing the pollution of the surface and subsurface waters in the State, and to otherwise carry out the purpose of this Act. Laws 1955, p. 482, § 1; Laws 1965, c. 228, § 1. Emerg. eff. June 16, 1965.

Salt water.—Appeal of Cummings and McIntyre, Okl. 119 P.2d 602.

Mines and Minerals §92.22.

§ 140. Earthen storage ponds.—The Commission shall not, by a general rule, regulation, or order, prohibit the storage in earthen ponds of the deleterious substances described in Section 1 of this Act,¹ but shall by general rule, regulation, or order prescribe standards, conditions, or limitations for the use of such ponds, and shall by rule, regulation, or order prohibit the storage of such substances in earthen ponds in areas, fields, or instances found to be required to prevent pollution. Laws 1955, p. 482,

§ 2; Laws 1965, c. 228, § 2. Emerg. eff. June 16, 1965.

¹ Section 139 of this title.

Mines and Minerals §92.22.

§ 141. Powers of Commission—Issuance of rules—Appeals.—In all matters pertaining to the making, issuing and enforcement of its rules, regulations or orders made pursuant to the provisions of this Act¹ the Commission shall have and exercise all the powers and authority granted to it under, and to the extent the same are reasonably applicable and except as herein specifically provided shall comply with the procedural requirements of Sections 81 to 136, Title 52, O.S.1951, or any amendment thereof, all to the same extent as if the powers and duties prescribed by this Act had been included as a part of the powers and duties of the Commission under said Sections 81 to 136, Title 52, O.S.1951. The Conservation Officer, the Conservation Attorney, and other agents and employees of the Commission whose salary and expenses are paid out of the Conservation Fund shall perform such duties incident to the administration and enforcement of this Act and the rules, regulations and orders issued pursuant thereto as the Commission may direct. The Attorney General on behalf of the State of Oklahoma, the Division of Water Resources of the Oklahoma Planning and Resources Board, Soil Conservation District Boards, the State Game and Fish Department of the State of Oklahoma, and any municipality or other governmental officer, agency, person, firm or corporation are expressly authorized to file applications with the Commission for rules, regulations or orders authorized by this Act or for the amendment or modification of any such rule, regulation or order, or to otherwise appear in any proceeding pending before the Commission in respect thereto. Any person, firm or corporation aggrieved by any rule, regulation or order of the Commission made pursuant to this Act may appeal therefrom to the Supreme Court of the State of Oklahoma within the same time and in the same manner as is provided in said Sections 81 to 136, Title 52, O.S.1951, or any amendment thereof, for the taking of appeals from orders of the Commission made thereunder. Laws 1955, p. 482, § 3.

¹ Sections 139-145 of this title.

Mines and Minerals §92.15.

§ 142. Cooperation and assistance from other agencies.—The Oklahoma Water Resources Board in pursuance of its duties with respect to the waters of the State and the Department of Wildlife Conservation of the State of Oklahoma in pursuance of its duties with respect to the game and aquatic life of the State are authorized and it shall be their duty to assist and cooperate with the Commission in the performance of its duties under this Act by making investigations, gathering evidence and filing reports or complaints with the Commission concerning conditions with respect to the han-

ding, storage and disposition of the deleterious substances referred to in Section 1 of this Act¹ and by making recommendations from time to time to the Commission with respect to rules, regulations, orders or other action that may be required to carry out the purpose of this Act. Laws 1955, p. 482, § 4; Laws 1965, c. 228, § 3. Emerg. eff. June 16, 1965.

¹ Section 139 of this title.
Mines and Minerals § 92.18.

§ 143. Penalties.—Any person, firm or corporation violating any rule, regulation or order of the Commission authorized by this Act¹ shall be deemed guilty of a misdemeanor and upon conviction may be punished by a fine not less than One Hundred Dollars (\$100.00) or exceeding Two Hundred Fifty Dollars (\$250.00). Each day such a violation continues shall constitute a separate offense. Laws 1955, p. 483, § 5.

¹ Sections 139-145 of this title.
Mines and Minerals § 92.22.

§ 144. Provisions supplemental—Exceptions.—The provisions of this Act¹ shall not repeal, but are supplemental to any and all other provisions of law having for their purpose the prevention of the pollution of surface or subsurface waters in this State; provided, however, the provisions of this Act and any order issued hereunder shall not be supplemental to Title 52, O.S.1951, Section 287.1 through Section 287.15, and nothing in this Act shall affect the operators' civil or criminal responsibility, or authorize the creation or perpetuation, or a public or private nuisance, and nothing in this Act shall prevent the Game and Fish Department from policing and patrolling the lakes and streams of Oklahoma, and enforcing the provisions of Title 29, Section 409, O.S.1951. Laws 1955, p. 483, § 6.

¹ Sections 139-145 of this title.
Water and Water Courses § 97.

§ 145. Existing rights not abridged.—This Act¹ shall be cumulative and no existing rights of owners of property to file suits for damages shall be abridged or limited hereby. Laws 1955, p. 483, § 7.

¹ Sections 139-145 of this title.
Mines and Minerals § 121.

§ 146. Right of condemnation by eminent domain to enforce commission orders.—The Corporation Commission of Oklahoma is hereby granted the right of condemnation by eminent domain for the purpose of obtaining rights of way when necessary to enforce orders issued by the Corporation Commission, provided, the right of condemnation hereby granted shall be restricted to such pipeline right of way easement and shall not be construed to authorize the obtaining of any other rights for drilling locations or other facilities, and the right of way easement obtained shall be without prejudice to the rights of the owner of such lands or

other rights or interests therein as to all other uses thereof. Laws 1961, p. 433, § 1.

Eminent Domain § 17.

§ 147. Institution of condemnation proceedings by lessees.—Every person, firm or corporation operating an oil and gas mining lease in the State of Oklahoma, and having been directed by order or orders of the Corporation Commission to dispose of water or other deleterious substances therefrom, upon proper showing at a hearing before the Corporation Commission, that the necessary rights of way to dispose of such water or other deleterious substances are impossible to obtain by negotiation and purchase, such person, firm or corporation shall be authorized to institute condemnation proceedings in the name of the Corporation Commission to obtain rights of way necessary to comply with such order or orders of the Corporation Commission. Laws 1961, p. 433, § 2.

Eminent Domain § 10(1).

§ 148. Court procedure.—The exercise of the rights of eminent domain shall be in the same manner and by like proceedings as provided for railroad corporations of this State, and all costs, fees and awards shall be paid by the person instituting such action, and title to the rights of way easements shall be taken in the name of such person. Laws 1961, p. 433, § 3.

Eminent Domain § 102.

§ 149. Conservation Division—Creation—Personnel—Duties—Qualifications.—There is hereby created within the Corporation Commission of Oklahoma, herein called "Commission", a Conservation Division, the duties and functions of which, subject to the supervision and direction of the Commission, shall be to aid the Commission in the administration and performance of the powers, duties and functions of the Commission with respect to oil and gas conservation and the prevention of pollution resulting from oil and gas production, transportation, and refining operations. The Conservation Division so created shall consist of the following personnel:

(a) A Director of Conservation, who in addition to the duties and functions now or hereafter prescribed for such officer in Title 52 of the Oklahoma Statutes, shall have over-all responsibility, supervision and direction of the activities of the Conservation Division and the administration and enforcement of the rules, regulations and orders of the Commission relating to oil and gas conservation and the prevention of pollution. The Director of Conservation, before he enters upon the performance of his duties, shall give a bond to the State of Oklahoma in the sum of Ten Thousand Dollars (\$10,000.00) with surety to be approved by the Commission, conditioned that he will honestly and faithfully perform his duties and will pay to the state in the manner prescribed by law all money which comes into his hands by virtue of such office. The Director of Conservation shall be a gradu-

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ate of an accredited college or university with a Bachelor of Science Degree in Petroleum Engineering and shall have at least seven (7) years experience directly related to the production of oil and gas.

(b) Two duly licensed attorneys, one to be designated as Conservation Attorney, and the other as Assistant Conservation Attorney, whose duties and functions shall be to act as legal advisors to and represent the Commission, the Director of Conservation, and all other personnel of the Division of Conservation, in all matters and proceedings relating to the performance of their duties and functions relating to oil and gas conservation and the prevention of pollution, including proceedings involving the validity of, or to enforce the orders, rules and regulations of the Commission.

(c) A Manager of Pollution Abatement, whose duties and functions shall be to direct and supervise the activities of the Conservation Division with respect to the prevention of pollution. The Manager of Pollution Abatement shall be a graduate of an accredited university with a Bachelor of Science Degree and shall have at least five (5) years practical experience in the production of oil and gas.

(d) A Manager of Field Operations, whose duties and functions, shall be to direct, supervise and coordinate the activities of the district offices and the field activities of the Conservation Division with respect to both oil and gas conservation and the prevention of pollution. The Manager of Field Operations shall be a graduate of an accredited college or university with a Bachelor of Science Degree with at least five (5) years practical experience in the production of oil and gas, or in the alternative, shall have at least seven (7) years experience equivalent to that of a district drilling or production superintendent in the oil and gas industry.

(e) A Manager of Office Administration, whose duties and functions shall be the administrative management of the various offices of the Conservation Division including, but not limited to, office services and procedures, personnel administration, processing of expense statements, budget preparation and cost accounting, procurement and use of supplies, files and records, and other clerical services. The Manager of Office Administration shall be a graduate of an accredited college or university with a Bachelor Degree in Office or Business Administration and at least three (3) years experience in a supervisory capacity in office management, or in the alternative, shall have five (5) years experience in a supervisory capacity in office management.

(f) A Supervisor of Data Processing, a Computer Programmer, a Machines Operator, and not to exceed five Key Punch Operators, whose duties and functions shall be to plan and conduct the data processing activities of the Conservation Division. The Supervisor of Data

Processing shall be a graduate of an accredited college or university, with a Bachelor Degree in Accounting, Business Administration, Mathematics, or the Sciences and at least five (5) years practical experience in the utilization of data processing equipment and data processing work. The Computer Programmer shall be a graduate of an accredited college or university, with a Bachelor Degree in Accounting, Business Administration, Mathematics, or the Sciences and shall have had special training and at least two (2) years experience in computer programming, or shall be a highschool graduate with at least five (5) years practical experience in data processing work.

(g) One Senior Engineer and one Senior Geologist, whose duties and functions shall be to provide the Commission, the Director of Conservation, and the Conservation Division with engineering, geological and other technical advice and assistance as needed with respect to oil and gas conservation and the prevention of pollution, including participation in hearings before the Commission or Trial Examiners. The Senior Engineer shall be a graduate of an accredited college or university, with a Bachelor of Science Degree in Petroleum Engineering, and at least five (5) years experience as a Petroleum Engineer. The Senior Geologist shall be a graduate of an accredited college or university, with a Bachelor of Science Degree in Geology and shall have five (5) years practical experience in Petroleum Geology.

(h) Not to exceed three Staff Engineers and one Geologist to serve on the staff and as assistants to the Senior Engineer. The Staff Engineers and Geologists shall be graduates of an accredited college or university, with Bachelor of Science Degrees in Engineering or Geology, as the case may be, and have a knowledge of petroleum engineering or geology and its application.

(i) Not to exceed four District Managers, whose duties and functions shall be to supervise and direct the district offices and all field activities of the Conservation Division, including both oil and gas conservation and the prevention of pollution in the respective districts to which they are assigned. A District Manager shall be a graduate of an accredited college or university with a Bachelor of Science Degree in Petroleum Engineering and shall have five (5) years practical experience in the production of oil and gas or, in lieu of a college degree, shall have ten (10) years experience in the production of oil and gas, of which five (5) years experience shall be in a supervisory capacity equivalent to that of a district drilling or production foreman in the oil and gas industry.

(j) Not to exceed four District Office Assistants who under the direction and supervision of the District Manager in the respective districts to which they are assigned, shall perform the administrative and clerical functions of the district offices including, but not limited to, the preparation and filing of reports,

keeping of files and records, dispatcher service to the field supervisors, receipt of requests, complaints and other communications from industry representatives, land owners or the general public. A district office assistant shall be a graduate of a high school or business college and shall have at least three (3) years practical experience in office administration and a general knowledge of oil and gas production practices.

(k) Not to exceed thirty-two Field Supervisors whose duties and functions, subject to the direction and supervision of the District Manager of the respective district to which they are assigned, shall be to make inspections and investigations, witness tests, and generally serve as enforcement officers and representatives of the Commission in the administration and enforcement of the rules, regulations and orders of the Commission relating to both oil and gas conservation and the prevention of pollution. A Field Supervisor shall be a high school graduate with at least three (3) years experience in oil field production and drilling operations in a supervisory capacity which could include drilling foreman or production foreman.

(l) Not to exceed three officially designated Trial Examiners who shall severally or jointly as the Commission may direct, hear cases referred to them by the Commission for hearing, and who shall then file with the Commission a report of the proceedings and their recommendations as to the disposition thereof. The Commission is hereby authorized to refer any and all cases as it sees fit to such Trial Examiners for hearing. A Trial Examiner shall be a graduate of an accredited college or university with a Degree in Law, or Petroleum Engineering or Geology and at least five (5) years of responsible experience in the practice of the profession and knowledge of Oil and Gas Law, Courtroom Procedure, the Technical Aspects of Oil and Gas Operations, and a thorough knowledge of State Statutes and Rules and Regulations governing such operations. Notwithstanding the limitation as to the number of officially designated Trial Examiners, the Commission is authorized in like manner to refer any and all cases as it sees fit to other employees of the Conservation Division for hearings.

(m) Not to exceed three Court Reporters who shall make a record of the proceedings and evidence at all hearings conducted before the Commission, the Trial Examiners, or employees of the Conservation Division named to act in the capacity of a Trial Examiner. A Court Reporter must be a high school or business college graduate and have at least three (3) years experience in the use of shorthand, a stenotype machine and the typewriter and be capable of accurately taking dictation at a minimum speed of 200 words per minute.

(n) One Senior Statistician and not more than nine Assistant Statisticians whose duties and functions shall be the procurement, compilation, analyzation of, and preparation of reports and schedules containing statistics necessary or desirable to the administration or performance of the powers, duties and functions of the Commission and of the Conservation Division with respect to oil and gas conservation and the prevention of pollution. The Senior Statistician shall be a graduate of an accredited college or university with a Bachelor Degree in Accounting, Business Administration, Mathematics or the Sciences and at least two (2) years experience in the processing of large volumes of data in respect to oil and gas operations. An Assistant Statistician shall have at least a high school education and an aptitude and experience in working with the tabulation of numbers.

(o) Not to exceed nine Secretaries who shall be qualified to accurately take and transcribe dictation and perform normal duties performed by a Secretary; three Stenographer-Clerks who shall be qualified to do typing, filing, handling of mail, and the routine clerical duties of an office; one File Clerk or Librarian who shall be qualified to keep and maintain the central files and records of the Division; and two Duplicating Machine Operators.

The employees of the Commission who at the effective date of this Act are holding positions or performing functions corresponding to those herein prescribed but who do not have the qualifications required by this Act for such positions or functions shall not, for that reason, be disqualified to continue in such positions or to perform such functions, but at such time as there is a vacancy in such position it shall be filled by an employee having the qualifications herein prescribed. Laws 1967, c. 207, § 1. Emerg. eff. May 1, 1967.

Mines and Minerals § 22.16.

§ 150. Employment of personnel—Grade and salary.—The personnel provided for in Section 1 of this Act¹ shall be employed by and shall serve at the will of the Commission and shall be graded and paid salaries as determined by the Commission within the following minimum and maximum salary range for the positions so named:

Position	Annual Salary Range	
	Minimum	Maximum
Director of Conservation	\$9,900	\$16,000
Conservation Attorney	9,900	16,000
Asst. Conservation Attorney	8,500	11,500
Manager of Pollution Abatement	8,100	12,000
Manager of Field Operations	7,500	12,000
Manager of Office Administration	7,500	12,000

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Position	Annual Salary Range	
	Minimum	Maximum
Supervisor of Data Processing	\$ 8,500	\$11,500
Computer Programmer	6,000	8,400
Machine Operators	3,900	6,000
Key punch Operators	3,600	5,100
Senior Engineer	7,200	12,000
Senior Geologist	7,200	12,000
Staff Engineers and Geologists	6,600	10,000
District Managers	8,000	11,000
District Office Assistants	4,800	6,600
Field Supervisors	4,800	7,500
Trial Examiners	8,500	13,000
Court Reporters	6,600	8,400
Senior Statistician	5,900	7,500
Statisticians	4,200	5,580
Secretaries	4,000	5,580
Stenographer Clerk	3,600	4,680
File Clerk or Librarian	4,000	6,000
Duplicating Machine Operators	3,600	4,680

Laws 1967, c. 207, § 2. Emerg. eff. May 1, 1967.

¹ Section 149 of this title.

§ 151. Consolidation of positions, duties and functions.—Notwithstanding the designation of positions, job qualifications, duties and functions, and salary scales provided for in Sections 1 and 2 of this Act,¹ the Commission may employ a lesser number of employees determined by it to be sufficient and proper to perform the duties and functions of the Conservation Division and may consolidate, reassign, or add to the duties and functions of the different positions provided the employees to whom the different duties and functions are assigned meet the job qualifications for the duties so assigned to such employee. Where there is a consolidation of positions and of duties and functions, the salary of the employee performing the multiple assignment of duties and functions shall be fixed by the Commission at an amount between the minimum of the lowest paid classification and the maximum of the highest paid classification for the position and duties and functions thus consolidated. Laws 1967, c. 207, § 3. Emerg. eff. May 1, 1967.

¹ Sections 149 and 150 of this title.

§ 152. Salaries, costs and expenses—Payment.—Subject to the traveling and subsistence limitations applicable to state employees generally, and to the extent approved by the Commission, employees of the Conservation Division shall be paid all necessary traveling and subsistence expenses incurred in the performance of their duties and functions under this Act. The Commission is further authorized to incur such other costs and expenses for equipment, facilities, supplies, services and other operating costs as determined by the Commission to be reasonably necessary and proper for the

functioning of the Conservation Division and the administration and enforcement by the Commission of its powers, duties and functions with respect to oil and gas conservation and the prevention of pollution. All salaries and authorized expenses of the employees of the Conservation Division and all other authorized cost and expense incurred for or on account of the Conservation Division or for the administration and enforcement by the Commission of its powers, duties and functions with respect to oil and gas conservation and the prevention of pollution, shall be paid out of the Conservation Fund and no part thereof shall be paid out of the General Revenue Fund of the State; except, the salaries of the members of the Corporation Commission shall be paid fifty per cent (50%) from the Conservation Fund and fifty per cent (50%) from the General Revenue Fund and the salaries of general administrative employees of the Commission who perform services in relation to both the Conservation Division and other Divisions of the Commission, shall be apportioned between the Conservation Fund and the General Revenue Fund in the proportion that the services rendered the Conservation Division bear to services rendered other Divisions of the Commission, as determined by the Commission. The whole of the Conservation Fund is hereby appropriated for the payment of the salaries, cost and expense authorized by this Section or other provisions of law to be paid therefrom. Laws 1967, c. 207, § 4. Emerg. eff. May 1, 1967.

§ 153. Persons having authority of peace officers.—The Director of Conservation, the Manager of Field Operations, the District Managers, and Field Supervisors shall each possess all of the authority of a peace officer with the right to bear firearms, make investigations, serve orders, subpoenas or notices issued by the Commission or the Conservation Division, and to enter upon any oil or gas lease or property where necessary in the performance of their duties. Laws 1967, c. 207, § 5. Emerg. eff. May 1, 1967.

INTERSTATE COMPACTS

§ 201. Compacts with other states authorized—Objectives—Fact finding agency—Uniform conservation and tax laws.—The Governor, or such Representative as he may appoint, is authorized to meet with Representatives of the Governors of other petroleum-producing states, and of the United States, for the purpose of agreeing upon a compact among such States effecting the following objectives:

(a). Establishment of a joint state and federal fact finding agency to consist of one Representative appointed by the Governor of each compacting state, and one Representative of the United States as Congress or the President shall direct. Said agency shall make pe-

ducer ratably. It shall be unlawful for any such common purchaser to discriminate between like grades and pressures of natural gas, or in favor of its own production, or of production in which it may be directly or indirectly interested, either in whole or in part, but for the purpose of prorating the natural gas to be marketed, such production shall be treated in like manner as that of any other producer or person, and shall be taken only in the ratable proportion that such production bears to the total production available for marketing. The Corporation Commission shall have authority to make regulations for the delivery, metering and equitable purchasing and taking of all such gas and shall have authority to relieve any such common purchaser, after due notice and hearing, from the duty of purchasing gas of an inferior quality or grade. Laws 1915, c. 197, § 5.

C.S.1921, § 7924; St.1931, § 11537.

Validity.—This section and section 239 of this title are not invalid as violative of either due process or equal protection provisions of the Fourteenth Amendment or Commerce Clause of federal Constitution. U.S.C.A. Const. art. 1, § 8, cl. 3; Amend. 14. *Cities Service Gas Co. v. Peerless Oil & Gas Co.*, 71 S.Ct. 215, 340 U.S. 179, 95 L. Ed. —.

Construction and application.—*Shawnee Gas & Electric Co. v. Corporation Commission of Oklahoma*, 111 Okl. 13, 237 P. 844; *Oklahoma Natural Gas Co. v. Corporation Commission of Oklahoma*, 111 Okl. 6, 237 P. 333, certiorari denied *Phillips v. State of Oklahoma*, 48 S.Ct. 32, 275 U.S. 439, 72 L.Ed. 338.

Exhausted fields.—*Nowata County Gas Co. v. Henry Oil Co.*, C.C.A.Okla., 269 F. 742.

Enforcement of gas proration.—*Oklahoma Natural Gas Corporation v. State*, 161 Okl. 104, 17 P.2d 483.

Orders of commission.—*Republic Natural Gas Co. v. State of Oklahoma*, 58 S.Ct. 972, 331 U.S. 62, 92 L.Ed. 1212.

Mines and Minerals §92, 93½.

§ 241. **Enforcement of Act—Hearings before Corporation Commission.**—Any person, firm or corporation, or the Attorney General, on behalf of the state may institute proceedings before the Corporation Commission, or apply for a hearing before said commission, upon any question relating to the enforcement of this act; and jurisdiction is hereby conferred upon said commission to hear and determine the same, said commission shall set a time and place when such hearing shall be had and give reasonable notice thereof to all persons or classes interested therein by publication in some newspaper or newspapers having general circulation in the state, and shall in addition thereto cause notice to be served in writing upon any person, firm or corporation, complained against in the manner now provided by law for serving summons in civil actions. In the exercise and enforcement of such jurisdiction said commission is authorized to summon witnesses, make ancillary orders, and use such mesne and final process including inspection and punishment as for contempt, analogous to proceedings under its control over public service corporations as now provided by law. Laws 1915, c. 197, § 6.

1 Sections 236-247 of this title.
C.S.1921, § 7925; St.1931, § 11533.

Mines and Minerals §92.

2 Okl.Stat. 71 Official Ed.—94

§ 242. **Appeals to Supreme Court.**—Appellate jurisdiction is hereby conferred upon the Supreme Court of this state to review the orders of said commission made under this act.¹ Such appeal may be taken by any person, firm or corporation, shown by the record to be interested therein, in the same manner and time as appeals are allowed by law from other orders of the Corporation Commission. Said orders so appealed from, may be superseded by the commission or by the Supreme Court upon such terms and conditions as may be just and equitable. Laws 1915, c. 197, § 7.

1 Sections 236-247 of this title.

C.S.1921, § 7926; St.1931, § 11539.

Prohibition.—*Quinton Relief Oil & Gas Co. v. Corporation Commission of State of Oklahoma*, 101 Okl. 144, 224 P. 156.

Presumptions.—*Application of Jackson*, 179 Okl. 577, 68 P.2d 1101.

Mines and Minerals §92.

§ 243. **Corporation Commission—Authority to make rules and regulations.**—The Corporation Commission shall have authority to make regulations for the prevention of waste of natural gas, and for the protection of all natural gas, fresh water, and oil bearing strata encountered in any well drilled for oil or natural gas, and to make such other rules and regulations, and to employ or appoint such agents, with the consent of the Governor, as may be necessary to enforce this act.¹ Laws 1915, c. 197, § 8.

1 Sections 236-247 of this title.

C.S.1921, § 7927; St.1931, § 11540.

Validity.—*Quinton Relief Oil & Gas Co. v. Corporation Commission of State of Oklahoma*, 101 Okl. 164, 224 P. 156.

Mines and Minerals §92.

§ 244. **Pipe line companies—Acceptance of act as prerequisite to right to operate.**—Before any person, firm or corporation shall have, possess, enjoy or exercise the right of eminent domain, right of way, right to locate, maintain, construct or operate pipe lines, fixtures, or equipments belonging thereto or used in connection therewith, for the carrying or transportation of natural gas, whether for hire or firm or corporation, or any officer, agent or otherwise, or shall have the right to engage in the business of purchasing, piping, or transporting natural gas, as a public service, or otherwise, such person, firm or corporation, shall file in the office of the Corporation Commission a proper and explicit authorized acceptance of the provisions of this act.¹ Laws 1915, c. 197, § 9.

1 Sections 236-247 of this title.

C.S.1921, § 7928; St.1931, § 11541.

Mines and Minerals §92.

§ 245. **Mine Inspector—Duties unchanged.**—Nothing contained in this act¹ shall be construed to interfere with any duties now imposed by law upon the Chief Mine Inspector of the state or his deputies. Laws 1915, c. 197, § 10.

1 Sections 236-247 of this title.

C.S.1921, § 7929; St.1931, § 11542.

Mines and Minerals §93.

Rates and charges.—Oklahoma Cotton Ginners' Ass'n v. State, 174 Okl. 243, 51 P.2d 327; Sims v. State, 80 Okl. 254, 196 P. 132, 23 A.L.R. 1475.

Injunction against operation.—Frost v. Corporation Commission of State of Oklahoma, 49 S.Ct. 235, 278 U.S. 515, 73 L.Ed. 483, reversing D.C., 26 F.2d 508.

Warehousemen §27.

§ 45. Appeals to Supreme Court.—The orders made by said Commission fixing rates, charges, rules and regulations as to any person, persons, or corporation operating any gin or gins may be reviewed on appeal by the Supreme Court in the same manner, form, jurisdiction and procedure as apply to such orders made relative to transportation and transmission companies. Laws 1915, c. 176, § 5.

C.S.1921, § 3716; St.1931, § 3681.

Validity.—That portion purporting to invest Supreme Court with legislative authority is unconstitutional. Oklahoma Cotton Ginners' Ass'n v. State, 174 Okl. 243, 51 P.2d 327.

Effect of statute.—Oklahoma Cotton Ginners' Ass'n v. State, 174 Okl. 243, 51 P.2d 327.

Construction and application.—Oklahoma Cotton Ginners' Ass'n v. State, 174 Okl. 243, 51 P.2d 327; Frost v. Corporation Commission of Oklahoma, D.C.Okla., 26 F.2d 508, rev on other grounds in 49 S.Ct. 235, 278 U.S. 515, 73 L.Ed. 483.

Warehousemen §27.

§ 46. Regulations—Enforcement of orders.—In all matters pertaining to the regulation and control of gins and ginning and the business of such, the Commission shall have the same power and authority as is now exercised by it under the law as to any matter pertaining to the public visitation, regulation or control of transportation and transmission companies, and may enforce its orders against any person, firm, company, or corporation maintaining or operating a gin or gins, by imposing a fine against them, or either of them, not exceeding \$100.00 for the violation of any of its orders. Laws 1915, c. 176, § 6.

C.S.1921, § 3717; St.1931, § 3682.

Construction and application.—Pannell v. Farmers Union Co-op. Gin Ass'n of Sterling, 192 Okl. 652, 138 P.2d 817.

Warehousemen §27.

§ 47. Partial invalidity.—If it shall be held that any section or part of a section contained in this act¹ is void by reason of it being repugnant to the constitution, the failure of such portion shall not be held to defeat the remaining portions of this act. Laws 1915, c. 176, § 7.

¹ Sections 41-47 of this title.

C.S.1921, § 3718; St.1931, § 3683.

Statutes §64(2).

CHAPTER 3.—OIL AND GAS

Sec.

- 51. Oil and gas department established.
- 52. Corporation Commission—authority and duties.
- 53. Rules and regulations—plugging wells.
- 54 to 56b. Repealed.

§ 51. Oil and gas department established.—The Corporation Commission is hereby empowered and authorized to create and establish an oil and gas department under the jurisdiction and supervision of the Corporation Commission,

and is hereby authorized to appoint with the approval and consent of the Governor, a chief oil and gas conservation agent who shall have charge of the oil and gas department herein authorized. Laws 1917, c. 207, p. 385, § 1.

C.S.1921, § 3013; St.1931, § 3669.

Validity.—Love v. Boyle, 72 Okl. 300, 130 P. 705; State v. Howard, 67 Okl. 239, 171 P. 30; State v. Howard, 67 Okl. 239, 171 P. 30.

Mines and Minerals §86.

§ 52. Corporation Commission—Authority and duties.—All authority and duties now conferred upon the Corporation Commission or other departments of the State government in reference to the conservation of oil and gas and the drilling and operating oil and gas wells and the construction and regulation of oil and gas pipe lines, are hereby conferred exclusively upon the Corporation Commission. Laws 1917, c. 207, p. 385, § 2.

C.S.1921, § 3014; St.1931, § 3670.

Ordinances.—Gant v. Oklahoma City, 150 Okl. 86, 6 P.2d 1065, 86 A.L.R. 794, followed in 6 P.2d 1071, 150 Okl. 92. Appeal dismissed 52 S.Ct. 203, 234 U.S. 594, 76 L.Ed. 512.

Mines and Minerals §86.

§ 53. Rules and regulations—Plugging wells.—The Corporation Commission is hereby authorized to prescribe rules and regulations for the plugging of all abandoned oil and gas wells. The same shall be plugged under the direction and supervision of the conservation agents of the Corporation Commission as may be prescribed by the Corporation Commission. All orders and regulations in reference to plugging wells shall be made after general hearing as now prescribed by law for the promulgation of orders by the Corporation Commission. Laws 1917, c. 207, p. 385, § 3.

C.S.1921, § 3015; St.1931, § 3671.

Construction and application.—Shell Petroleum Corporation v. Blubaugh, 137 Okl. 198, 102 P.2d 163; Sheridan Oil Co. v. Wall, 137 Okl. 398, 103 P.2d 507.

"Abandonment." Bryan v. State, 133 Okl. 213, 271 P. 1020.

This section, in effect from 1917 until effective date of 1965 act (52 O.S. §§ 309 to 317) and providing that all oil and gas wells be "plugged" upon abandonment in accordance with Corporation Commission's rules and regulations had no application to replugging or repairing of plugged wells. Minshall v. Corporation Commission, Okl., 455 P.2d 1053.

Powers of Commission.—Atchison, T. & S. F. Ry. Co. v. Corporation Commission of State of Oklahoma, 68 Okl. 1, 170 P. 1156; Oklahoma City v. Corporation Commission, 80 Okl. 194, 195 P. 498; Planters' Cotton & Ginning Co. v. West Bros., 32 Okl. 145, 103 P. 555.

Mines and Minerals §86.

§§ 54 to 56b. Repealed. Laws 1941, p. 464, § 6; Laws 1941, p. 220, § 12.

From Laws 1917, ch. 207, §§ 4, 5; Laws 1932, p. 56, §§ 1-3.

CHAPTER 4.—RAILROAD COMPANIES

CONNECTIONS WITH OTHER ROADS, ETC.

Sec.

- 61. Connections between railroad companies—powers of Corporation Commission concerning connections.
- 62. Complaints regarding connections, depots, etc.—powers of commission regarding complaints—conditions of order.
- 63. Expenses, how borne—determination by Commission—appeal.

constitute negligence per se under this section. *Cleary v. Petroleum, Inc. v. Copenhaver*, Okl., 476 P.2d 327. *Mines and Minerals* §90.

§§ 297 to 301. Repealed. Laws 1941, p. 463, § 3; Laws 1961, p. 433, § 1.

From R.L.1910, §§ 4325-4329; Laws 1909, pp. 432, 434; Laws 1910, p. 106; Laws 1913, ch. 207, p. 459, § 1; C.S. 1921, §§ 7970, 7971, 7975, 7976; St.1931, §§ 11581-11585. Subject matter covered by Title 17, Corporation Commission, § 53.

§ 302. Firing oil or gas, or interfering with appliances unlawful.—It is hereby declared to be unlawful for any person maliciously to set fire to any gas or oil escaping from wells, broken or leaking mains, pipes, valves, tanks or other appliances used by any person or corporation in conveying gas or oil, or to interfere in any manner with the wells, pipes, mains, gate boxes, valves, stop-cocks, or other appliances, machinery or property of any person or corporation engaged in furnishing gas or oil unless employed by or acting under the authority and direction of any such person or corporation owning or operating said gas or oil lines, or the proper legal authorities. R.L. 1910, § 4330.

Laws 1909, p. 434; C.S.1921, § 7977; St.1931, § 11536. *Mines and Minerals* §86.

§ 303. Penalty for violations.—Any person, co-partnership or corporation violating any of the provisions of this Article, shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars, nor more than five hundred dollars, in any court having competent jurisdiction in the county in which the act shall have been committed or omitted, or by being imprisoned for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. The amount of said penalty, when collected, shall be paid, one-half into the public road fund, of the county in which said suit shall have been brought, and one-half to the informer in said action. R.L. 1910, § 4331.

1 R.L.1910, ch. 53, art. 3, now sections 291-303 of this title.

Laws 1909, p. 434; C.S.1921, § 7978; St.1931, § 11537. Construction.—*Oklaiken Oil Co. v. Garrett*, 171 Okl. 111, 42 P.2d 114.

Mines §30; *Mines and Minerals* §96.

§ 304. Repealed. Laws 1941, p. 218, § 1. From Laws 1925, c. 157, p. 248, § 2.

§ 305. Well drilling within 100 feet of underground coal mines prohibited.—No well for oil or gas shall be drilled within one hundred (100) feet from any mined area of an active underground coal mine, or abandoned underground mine connected to an active underground mine. Laws 1955, p. 255, § 1.

Mines and Minerals §22.

§ 306. Workable coal beds or seams defined.—All coal beds or seams thirty (30) inches to thirty-six (36) inches in thickness, less than one thousand (1,000) feet below the surface, and all coal beds or seams more than thirty-six (36) inches in thickness, less than fifteen hundred

(1500) feet below the surface, shall be deemed as workable. Laws 1955, p. 255, § 2.

Mines and Minerals §22.

§ 307. Drilling of wells through workable seams—Regulations.—Any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, through a workable vein or seam of coal shall be drilled in such manner as will, if practicable, exclude all oil, gas or gas pressure from the coal seam, except such as is found in the coal seam itself. Each string of casing that is run through a workable coal seam shall be seated at least thirty (30) feet below the coal seam in twenty (20) feet of cement, to form an effective seal, or the coal seam shall be protected in such other manner as may be approved by the Corporation Commission of the State of Oklahoma. Laws 1955, p. 255, § 3.

Mines and Minerals §22.

§ 308. Plugging.—The owner or manager shall not permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, through a workable coal seam to remain unplugged after such well is no longer used for the purpose for which it was drilled or converted. Each such well plugged shall protect the workable coal seam by a cement plug extending twenty-five (25) feet above said coal seam to a distance of twenty-five (25) feet below the same or to the bottom of the hole, whichever is less. Laws 1955, p. 255, § 4.

Mines and Minerals §22.

§ 309. Findings and declarations.—The Legislature finds and declares that it is in the public interest to protect the waters and lands of the state against pollution and, for that purpose, it is necessary and desirable in the exercise of the police power of the state to provide additional means whereby wells drilled for the exploration, development, or production of oil or gas, or as injection or disposal wells, and which are causing surface or subsurface pollution of any fresh water or are leaking salt water, oil, gas, or other deleterious substances upon the surface of the land, may be plugged, replugged, or repaired by the Corporation Commission or under the authority and direction of the Corporation Commission, hereinafter called "Commission." Laws 1965, c. 191, § 1; Laws 1970, c. 217, § 1. Emerg. eff. April 15, 1970.

Mines and Minerals §22 et seq.

§ 310. Leaking wells—Entry upon land to plug, replug or repair—Emergencies.—If after notice and hearing the Commission finds:

(a) that a well drilled for the exploration, development, or production of oil or gas, or as an injection or disposal well, is causing surface or subsurface pollution of any fresh water or is leaking salt water, oil, gas or other deleterious substances onto the surface of the land in the vicinity of the well; and

(b) that the operator or any other person responsible for plugging, replugging or repairing the well in such manner as is necessary to prevent further pollution cannot be found, or is financially unable to pay the cost of performing such work,

then the Commission or any person who is so authorized by the Commission may enter upon the land upon which such well is located and plug, replug, or repair such well as may be reasonably required to remedy such condition. If in the case of an emergency or if it otherwise appears to the Commission that irreparable injury will result if immediate remedial action is not taken, such entry upon the land may be made or authorized by the Commission, without notice or hearing, for the purpose of taking such temporary remedial action as the Commission may consider to be necessary to prevent or minimize such injury pending the giving of notice and hearing. Such operation shall be conducted in the manner prescribed by the Commission. Laws 1965, c. 191, § 2; Laws 1970, c. 217, § 2. Emerg. eff. April 15, 1970.

Construction.—*Minshall v. Corporation Commission*, Okl., 435 P.2d 1053.

§ 311. Liability for damages.—Any person entering upon the land on which the well is located to plug, replug, or repair the same, pursuant to the authority and in accordance with an order of the Commission, shall not be liable or held responsible for any damages resulting from operations reasonably necessary or proper to plug, replug, or repair the well, except damages to growing crops and improvements. Laws 1965, c. 191, § 3. Eff. June 8, 1965.

§ 312. Responsibility for future remedial work.—Any person who plugs, replugs, or repairs a well in accordance with an order of the Commission under this act shall not be held to have assumed responsibility for future remedial work on said well or be liable in damages or otherwise for conditions subsequently arising from or in connection with said well. Laws 1965, c. 191, § 4. Eff. June 8, 1965.

§ 313. No admission of liability or discharge of action.—The fact that any person has initiated or supported a proceeding before the Commission or has remedied or attempted to remedy the condition of any well under the authority of this act shall not be construed as an admission of liability or received in evidence against such person in any action or proceeding wherein responsibility for or damages from surface or subsurface pollution, or injury to any fresh water or oil or gas bearing formation is or may become an issue, nor shall such fact be construed as releasing or discharging any action, cause of action, or claim against such person existing in favor of any third person for damages to property resulting from surface or subsurface pollution, or injury to any fresh water or oil or gas bearing formation. Laws 1965, c. 191, § 5. Eff. June 8, 1965.

§ 314. Right of action for costs involved—Lien.—Any person who had no obligation to plug, replug, or repair the well but who does so under the provisions of this act shall have a cause of action against the person or persons who by law were obligated to properly plug, replug, or repair the well for the reasonable cost and expense incurred in plugging, replugging, or repairing the well, and shall have a lien upon the interest of such obligated person or persons in and to the oil and gas rights in the land and equipment located thereon. Laws 1965, c. 191, § 6. Eff. June 8, 1965.

§ 315. Supplemental remedy.—Nothing in this act shall relieve any person or persons otherwise legally responsible from any obligation to properly plug, replug, or repair a well, and shall not limit the authority of the Commission to require the proper plugging, replugging, or repair of the well, but is intended as a supplemental remedy when any person or persons obligated to do so fail or cannot be made to do so. Laws 1965, c. 191, § 7. Eff. June 8, 1965.

§ 316. Proceedings.—All proceedings under this act including the filing of applications, giving of notices, the conduct of hearings and other action taken by the Commission, and appeals therefrom shall be in the form and manner and in accordance with the procedure provided in Sections 84 to 135, inclusive, Title 52 O.S.1961, or any amendment thereof. Laws 1965, c. 191, § 8. Eff. June 8, 1965.

§ 317. "Person" defined.—The term "person" as used in this act means any individual, business association or corporation, partnership, governmental or political subdivision, public corporation, body politic and corporate public authority, trust or any other legal entity. Laws 1965, c. 191, § 9. Eff. June 8, 1965.

§ 318. Remedial work—Contracts upon competitive bids.—When the Commission undertakes to plug, replug, or repair any well or wells, as authorized and provided in Title 52 of the Oklahoma Statutes, §§ 309 and 310, all such remedial work shall be done by contracts let upon competitive bids. The Commission shall not expend from the Conservation Fund or any other fund in the State Treasury, in any fiscal year, for the purposes herein provided, an amount of money in excess of the total sum specifically authorized annually by the Legislature for such purposes. Laws 1970, c. 217, § 3. Emerg. eff. April 15, 1970.

§ 318.1 Agreement as to compliance with drilling and plugging regulations—Recovery of costs.—Any person who drills or operates any well for the exploration, development or production of oil or gas, or as an injection or disposal well within the State of Oklahoma, shall furnish on forms approved by the Corporation Commission, his agreement in writ-

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ing to drill, operate and plug wells in compliance with the rules and regulations of the Commission and the laws of the State of Oklahoma together with his financial statement showing his net worth is not less than Ten Thousand Dollars (\$10,000.00) within the State of Oklahoma. Said financial statement to be made current semiannually. The agreement shall provide that if the Commission determines that he has neglected, failed, or refused to operate, plug or replug any well or operate any facility in compliance with the Commission's said rules and regulations he will forfeit or pay to the state, through the Commission, for deposit in the State Treasury, a sum equal to the cost of plugging the well, and the Commission may cause such remedial work to be done, issuing warrant in payment of the cost thereof drawn upon the State Treasury against the monies accruing therein from the forfeiture. Any monies accruing to the State Treasury by reason of a determination that there has been a noncompliance with the provisions of said agreement or the rules and regulations of the Commission, in excess of the cost of remedial action ordered by the Commission, shall be credited to the Conservation Fund. The Commission shall also recover any costs arising from litigation necessary to the enforcement of this provision. Added Laws 1971, c. 25, § 1. Emerg. eff. March 22, 1971.

Mines and Minerals § 32.56.

§ 319. Repealed. Laws 1971, c. 25, § 2. Eff. March 22, 1971.

From Laws 1970, c. 217, § 4; Laws 1971, p. 1015, S.J.R. No. 1, § 1.

Laws 1971, p. 1015, S.J.R. No. 1, § 1, eff. Feb. 12, 1971, amended this section to read as follows:

"After April 1, 1971, any person who drills or operates any well for the exploration, development or production of oil or gas, or as an injection or disposal well within the State of Oklahoma, shall furnish a corporate surety bond in a sum not less than Two Thousand Five Hundred Dollars (\$2,500.00), running to the State of Oklahoma. Each corporate surety bond shall be executed by a responsible surety company authorized to do business in the State of Oklahoma, and shall be in a form approved by the Commission. Each such bond shall provide that in any action upon the bond the Commission shall be allowed its costs. Each bond is to be conditioned that such well be drilled, operated, and plugged and all required forms filed in compliance with the rules and regulations of the Corporation Commission and the laws of Oklahoma. The bond shall remain in force and effect until released by the Commission upon finding by the Commission that the condition of the bond has been complied with in all respects. If the principal on the bond is drilling or operating more than one lease or well within the state, such principal may furnish a blanket corporate surety bond in a sum not less than Ten Thousand Dollars (\$10,000.00), conditioned as herein provided, in lieu of an individual well bond. If a transfer of property or well is made, the bond of the transferor shall remain in effect until such time as the transferee has furnished a bond as herein required or, in writing to the Commission, has accepted responsibility under his blanket bond. Any money accruing to the State Treasury by reason of recovery under any bond herein required shall be credited to the Conservation Fund. The Commission may accept, in lieu of a corporate surety bond, a deposit of cash, certificates of deposit or negotiable securities of the state or federal government in not less than the amounts above required, together with his agreement in writing that upon determination by the Commission that such person has failed to drill, produce and plug all wells covered by such agreement, in compliance with the rules and regulations of the Commission, such cash or securities are forfeited to the Commission. Any moneys accruing to the State Treasury by reason of the forfeitures under this provision shall be credited to the Conservation Fund."

CHAPTER 5.—INSPECTION

S. 1.

321. Gasoline—kerosene—naphtha—motor fuel—burning fuel—sale unlawful unless rules and regulations complied with.
322. Manufacturer defined.
- 323 to 324a. Repealed.
- 324.1 State Fuel Inspector and other personnel.
- 324.2 Traveling laboratory operators.
- 324.3 Repealed.
- 324.4 Eligibility of employees—oath and bond.
- 324.5 Repealed.
- 324.6 Employees to have no other job, business or profession.
- 324.7 Partial invalidity.
325. Powers of Corporation Commission—rules and regulations—specifications.
326. Repealed.
327. Sale of specified liquids, mixtures or combinations without inspection.
328. Rules of Procedure.
329. Sale of condemned oils—penalty.
330. Inspections—hindering—penalty.
331. Repealed.
332. Inspection — samples — testing — delivery receptacle not meeting specifications, locking—reports.
333. Repealed.
334. Interstate shipments.
335. Marks or brands—penalty for failure to erase.
336. Misconduct of inspector—penalty.
337. False grade, test or brand—failure to perform duty —penalty.
338. Imitation or alteration of inspector's marks—marking uninspected oil—penalty.
339. Unlawful importation and sale of oil—penalty.
340. Civil liability for unlawful sales.
341. Adulteration—penalty.
342. Testing of inflammable liquids—gravity test.
343. Recovery of fines and penalties.
344. Manufacturers and wholesalers—liability for inferior oil.
345. Prosecutions—attorney's fee.
346. Selling, using or consuming petroleum products not complying with rules and regulations—tampering with sign, lock or seal—punishment.

§ 321. Gasoline — Kerosene — Naphtha — Motor fuel—Burning fuel—Sale unlawful unless rules and regulations complied with.—It shall be unlawful for any person, firm or corporation in the State of Oklahoma to sell, offer for sale, use, or consume any gasoline, kerosene, naphtha, motor fuel and/or burning oil manufactured in this state or brought into it unless the same complies with the rules and regulations of the Corporation Commission and the laws of the State of Oklahoma. R.L.1910, § 4332; Laws 1915, c. 96, § 1; Laws 1939, p. 351, § 1.

Laws 1903, p. 120; C.S.1921, § 7979; St.1931, § 11533.

Remedial nature of statute.—Richardson-Gay Co. v. Ashton, 17 Okl. 401, 87 P. 662.

Mode of inspection.—Richardson-Gay Oil Co. v. Ashton, 17 Okl. 401, 87 P. 662.

Publication of rules and regulations.—Section 252 of Title 75 providing that any rule or regulation of state agency not published by State Librarian shall be void and of no effect requires filing and publication of all past general rules and regulations in force, as well as future amendments and revisions. State ex rel. Villines v. Freeman, Okl., 370 P.2d 307.

Inspection § 7.

§ 322. Manufacturer defined.—The word manufacturer as used herein shall mean and